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09/777225  
02/05/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 06005/35530

## PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53

**Box Patent Application**  
**Commissioner for Patents**  
**Washington, D.C. 20231**

Sir:

Transmitted herewith for filing is the patent application of

**Inventors:** Robert B. Havekost, David L. Deitz, Dennis L. Stevenson, William Irwin

Title: HIERARCHICAL FAILURE MANAGEMENT FOR PROCESS CONTROL SYSTEMS

### 1. Type of Application


- ☒ This is a new application for a
- ☒ utility patent.
- ☐ design patent.
- ☐ This is a continuation-in-part application of prior application no.

2. Application Papers Enclosed

- |    |  |
|----|--|
| 1  | Title Page   |
| 27 | Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing) |
| 8  | Page(s) of Claims  |
| 1  | Page(s) of Abstract  |
| 7  | Sheet(s) of Drawings (Figs. 1 to 7)  |
|    | <input checked="" type="checkbox"/> Formal                                       |
|    | <input type="checkbox"/> Informal  |

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **February 5, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EK657822671US.

  
Richard Zimmermann

**3. Declaration or Oath**

- ☒ Enclosed
- ☒ Executed by (check all applicable boxes)
- ☒ Inventor(s)
- ☐ Legal representative of inventor(s)  
(37 CFR 1.42 or 1.43)
- ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
- ☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.
- ☐ Not enclosed - the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

**4. Additional Papers Enclosed**

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence
- ☐ Microfiche computer program
- ☐ Associate Power of Attorney
- ☐ Verified translation of a non-English patent application
- ☐ An assignment of the invention
- ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
- ☒ Return receipt postcard
- ☐ Other

## 5. Filing Fee Calculation (37 CFR 1.16)

A. ☒ Utility Application

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	43 -20	= 23	X 9 =	\$	X 18 =	\$414.00
INDEP.	5 - 3	= 2	X 40 =	\$	X 80 =	\$160.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	\$
Filing Fee:				\$	OR	\$1284.00

B. ☐ Design Application (\$160.00/\$320.00) Filing Fee: \$ \_\_\_\_\_C. ☐ Plant Application (\$245.00/\$490.00) Filing Fee: \$ \_\_\_\_\_

## D. Other Fees

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_☐ Other \$ \_\_\_\_\_**Total Fees Enclosed \$1284.00**

## 6. Method of Payment of Fees

☒ Enclosed check in the amount of: \$1284.00☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.☐ Not enclosed

## 7. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

8. Correspondence Address

Customer No.: 04743

Respectfully submitted,

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By:



Roger A. Heppermann

Reg. No: 37,641

February 5, 2001